

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH SPRIGGS, ET AL.,

Plaintiffs,

v.

KEVIN SHANLIAN, ET AL.,

Defendants.

Case No. 12-14918

Honorable Nancy G. Edmunds

**ORDER (1) ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [56], (2) GRANTING IN PART AND DENYING IN PART
DEFENDANTS SHANLIAN'S, KRISH'S, WITTHUHN'S, AND SHELTON'S MOTION
TO DISMISS [33]; (3) GRANTING DEFENDANT SCHREIBER'S MOTION FOR
JUDGMENT ON THE PLEADINGS [37]; GRANTING DEFENDANT MERRILL'S
MOTION FOR JUDGMENT ON THE PLEADINGS [38]; AND GRANTING
DEFENDANT GAUTHIER'S MOTION TO DISMISS [48]**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation [ECF No. 56]. Being fully advised in the premises and having read the record and the pleadings, including the Report and Recommendation and Plaintiffs' Objections, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. IT IS FURTHER ORDERED THAT:

1. Defendants' motion to dismiss [33] is GRANTED IN PART AND DENIED IN PART as follows:

(a) GRANTED as to Defendants Krish, Witthuhn, Shelton, and Nuckoll and all Plaintiffs' claims against these Defendants are DISMISSED WITH PREJUDICE;

(b) GRANTED as to Defendant Sullivan regarding the claims of entry onto the

property to view the license plate, removal of the air conditioner, and the pointing of a firearm through the window;

(c) GRANTED as to Defendant Shanlian regarding all claims by Plaintiffs Cassandra Ross and Eric Spriggs; and

(d) DENIED as to Defendant Shanlian regarding Plaintiff Keith Spriggs' Fourth Amendment claim based on entry into and search of the residence.

2. Defendant Schreiber's motion for judgment on the pleadings [37] is GRANTED;
3. Defendant Merrill's motion for judgment on the pleadings [38] is GRANTED;
4. Defendant Gauthier's motion to dismiss [48] is GRANTED; and
5. All of Plaintiffs' claims against Defendants Schreiber, Merrill, and Gauthier are DISMISSED WITH PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: March 29, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 29, 2014, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager